



On November 13, 2019, Mr. Liebowitz submitted a declaration (the “Declaration”) under penalty of perjury in response to the order to show cause. [D.E. 16]. In the Declaration, Mr. Liebowitz stated that “there has been no showing of any lack of competency with respect to Mr. Liebowitz’s ability to handle the six unrelated cases that have been filed in this District. Indeed, **only the *Masi* case and the *Bradley* case remain pending.**” (Declaration, ¶7) (Emphasis added).

Mr. Liebowitz’s statement was false at the time it was made and it remains false. As of this date, four of the six cases remain pending: (1) the current action, (2) *Beasley v. Caron Commc’ns Group, Inc.*, 5:19-CV-54-BO, (3) *Martez v. Gryppers, Inc.*, 5:19-CV-140-BO, and (4) *Bradley v. Analytical Grammar, Inc.*, 5:19-CV-249-FL.

Thus, Mr. Liebowitz submitted an inaccurate declaration to the Court in an effort to avoid disqualification in this action. It would be inconsistent with Rule 83.1(e)(5) to reward such conduct because the rule requires good cause shown to be admitted in more than three cases. Here counsel is showing good cause for him not to be permitted to represent plaintiff in violation of the Rule. Moreover, because Plaintiff is represented by local counsel, Plaintiff will not be prejudiced by Mr. Liebowitz’s disqualification. Consequently, Defendant Mythical Entertainment respectfully requests that, at a minimum, Mr. Liebowitz be disqualified as counsel for plaintiff in the above-captioned action.

Respectfully submitted this the 18th day of December, 2019.

/s/ Christopher M. Thomas

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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing **DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION TO DISQUALIFY RICHARD P. LIEBOWITZ** was electronically filed on this day with the Clerk of Court using the CM/ECF system which will automatically send notice of the same addressed to the following:

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This the 18th day of December, 2019.

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